

House Study Bill 186 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to children's residential facility
2 certification requirements and care furnished by bona
3 fide religious institutions, and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 237C.1, subsection 3, Code 2017, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *j.* Care furnished by a bona fide religious
4 institution.

5 Sec. 2. NEW SECTION. **237C.11 Bona fide religious**
6 **institution — notification required.**

7 If care is furnished by an entity that is a bona fide
8 religious institution exempt from the definition of children's
9 residential facility under section 237C.1, subsection 3,
10 paragraph "j", but that would otherwise meet the definition
11 of a children's residential facility under section 237C.1,
12 subsection 3, the entity shall do all of the following:

13 1. Notify the department of human services in writing of
14 the existence of the entity within thirty days of commencing
15 operation.

16 2. Allow annually one scheduled inspection and one
17 unannounced inspection of the entity by a representative of the
18 department of inspections and appeals.

19 3. Authorize reasonable and timely access to clients and
20 staff of the entity by a representative of the department
21 of human services who is responsible for investigating an
22 allegation of abuse.

23 4. Comply with standards adopted by the state fire marshal
24 under chapter 100.

25 5. Meet the sanitation, water, and waste disposal standards
26 adopted by rule by the department of human services under
27 section 237C.4.

28 6. Prior to employing a person who will have significant
29 contact with children placed in the entity's facility, the
30 entity shall initiate a state criminal history record check
31 of the person through the division of criminal investigation
32 of the department of public safety, submit the person's
33 fingerprints to the division for submission to the federal
34 bureau of investigation for a national criminal history record
35 check, and review the sex offender registry information under

1 section 692A.121 available to the general public, the central
2 registry for child abuse information established under section
3 235A.14, and the central registry for dependent adult abuse
4 information established under section 235B.5 for information
5 regarding the person.

6 7. Comply with standards adopted by the department under
7 section 237C.3 relating to the use of seclusion, restraint, or
8 other restrictive interventions.

9 Sec. 3. EXISTING ENTITY OPERATED BY BONA FIDE RELIGIOUS
10 INSTITUTION. An entity in existence on the effective date of
11 this Act, which is exempt from the definition of children's
12 residential facility under section 237C.1, subsection
13 3, paragraph "j", but which would otherwise qualify as
14 a children's residential facility under section 237C.1,
15 subsection 3, shall notify the department of human services in
16 writing of its existence within thirty days of the effective
17 date of this Act.

18 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
19 immediate importance, takes effect upon enactment.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill adds care furnished by bona fide religious
24 institutions to entities to which the definition of "children's
25 residential facility" does not apply.

26 Currently, Code section 237C.1 defines "children's
27 residential facility" to mean a private facility designed to
28 serve children under the age of 18 who have been voluntarily
29 placed for reasons other than an exclusively recreational
30 activity outside of their home by a parent or legal guardian
31 and who are not under the custody or authority of the
32 department of human services, juvenile court, or another
33 governmental agency, and the facility provides 24-hour
34 care, including food, lodging, supervision, education, or
35 other care. Currently excluded from the definition are care

1 furnished by certain individuals, such as personal friends or
2 in circumstances preceding adoption, and care furnished by
3 entities otherwise regulated by a state agency.

4 Under the bill, an entity that furnishes care that would
5 otherwise qualify it as a children's residential facility,
6 but which is exempt because it is a bona fide religious
7 institution, must notify the department of human services
8 in writing of its existence within 30 days of commencing
9 operation, allow annually one scheduled inspection and one
10 unannounced inspection of the entity by a representative of the
11 department of inspections and appeals, authorize reasonable
12 and timely access to clients and staff of the entity by a
13 representative of the department of human services who is
14 responsible for investigating an allegation of abuse, comply
15 with the state fire marshal's standards, meet the sanitation,
16 water, and waste disposal standards adopted by the department
17 of human services, conduct a background check on job applicants
18 who will have significant contact with children in the
19 entity's facility, and comply with the department's standards
20 regarding the use of seclusion, restraint, or other restrictive
21 interventions.

22 The bill includes session law requiring such an entity in
23 existence on the effective date of the bill to notify the
24 department of human services in writing of its existence within
25 30 days of the effective date of the bill.

26 The bill takes effect upon enactment.